United Nations A/60/7/Add.41

General Assembly

Distr.: General
21 June 2006

Original: English

Sixtieth session
Agenda item 124
Programme budget for the biennium 2006-2007

Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council

Forty-second report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee has considered the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/60/585/Add.4). The report contains the proposed resource requirements for the International Independent Investigation Commission for the period from 16 June to 31 December 2006 and for the United Nations Office in Timor-Leste (UNOTIL) for the period from 21 June to 31 August 2006. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee recalls that the General Assembly, in its resolution 60/247, appropriated an amount of $355,949,300 for special political missions under section 3, Political affairs, of the programme budget for the biennium 2006-2007. After consideration of the reports of the Secretary-General on special political missions (A/60/585 and Corr.1 and Add. 1 and 2) and on the report on the Peacebuilding Support Office (A/60/694), the Assembly, in its resolutions 60/248 and 60/255, approved charges totalling $304,040,800 against the provision for special political missions with regard to 29 special political missions and to launch the Peacebuilding Support Office. Therefore, the remaining unallocated balance for 2006-2007 amounted to $51,908,500.

3. The Secretary-General, in his report on estimates in respect of the United Nations Assistance Mission in Afghanistan (UNAMA) (A/60/585/Add.3), proposed to utilize the remaining balance indicated in paragraph 2 above ($51,908,500) to meet in part the requirements of the Mission for the period from 1 April to

06-39930 (E) 220606

31 December 2006. The related comments and recommendations of the Advisory Committee are contained in document A/60/7/Add.39. The Committee notes that, should the General Assembly approve the proposal to utilize the remaining balance in the provision for special political missions towards meeting the requirements of UNAMA, the amount appropriated in resolution 60/247 for special political missions of $355,949,300 would thus be exhausted.

4. The Advisory Committee further notes that the Secretary-General proposes to treat the requirements related to the International Independent Investigation Commission and UNOTIL, totalling $21,688,800 gross ($19,180,000 net), in accordance with the procedures provided for in General Assembly resolution 41/213. **The Committee points out in this connection that, in accordance with paragraph 11 of annex I to resolution 41/213, revised estimates arising from the impact of extraordinary expenses, including those relating to the maintenance of peace and security, as well as fluctuations in rates of exchange and inflation, shall not be covered by the contingency fund and continue to be treated in accordance with established procedures and under the relevant provisions of the Financial Regulations and Rules.**

5. Moreover, the Advisory Committee recalls that the General Assembly, in its resolution 60/255, appropriated an amount of $12,298,400 for the operation of the International Independent Investigation Commission for the period from 1 January to 15 June 2006 and of $13,548,800 for the operation of UNOTIL for the period from 1 January to 20 May 2006. As indicated by the Secretary-General, expenditures for the related periods are estimated at $9,292,200 for the Commission and $13,328,500 for UNOTIL; the unencumbered balances amount to $3,006,200 and $256,300 respectively (A/60/585/Add.4).

II. International Independent Investigation Commission

A. Mandate and planned results

6. The Security Council, in its resolution 1595 (2005), decided to establish the International Independent Investigation Commission for an initial period of six months to assist the Lebanese authorities in their investigation of all aspects of the terrorist bombing in Beirut on 14 February 2005. In its resolution 1644 (2005), the Security Council extended the mandate of the Commission, initially until 15 June 2006, and authorized it to extend technical assistance, as appropriate, to the Lebanese authorities with regard to their investigation of 14 other attacks perpetrated in Lebanon since 1 October 2004.

7. On the basis of the fourth report of the Commission (S/2006/375, annex) and taking note of the letter of the Government of Lebanon to the Secretary-General requesting the extension of the mandate of the Commission for a further period of one year (S/2006/278, annex), the Security Council has decided to extend the mandate until 15 June 2007 (see resolution 1686 (2006)).

8. The Commission, in its fourth report, summarizes the progress made in the investigation of the killing of former Lebanese Prime Minister Hariri and 22 others, as well as in its provision of technical assistance to the Lebanese authorities in the investigation of the 14 other cases (see S/2006/375, annex, paras. 10-92). Section V of the report elaborates on the organizational support which is the basis for the requirements proposed by the Secretary-General in his budget proposal (A/60/585/Add.4).

9. The Advisory Committee notes that the internal working arrangements set out the standard operating procedures applicable to the different investigative and managerial aspects of the Commission's work. Moreover, in defining the standards, the internal procedure seeks to ensure that information collected or obtained is admissible in future legal proceedings, notably before a tribunal of an international character. In this connection, one of the expected accomplishments listed in the results-based framework of the budget proposal includes "progress towards the establishment of a tribunal with an international character to try the perpetrators of the crime" (A/60/585/Add.4, sect. II, expected accomplishment (c)). The Security Council, in paragraph 6 of its resolution 1644 (2005), acknowledged the Lebanese Government's request that those eventually charged with involvement in the attack be tried by a tribunal of an international character and requested the Secretary-General to help the Lebanese Government identify the nature and scope of international assistance needed in that regard. Upon enquiry, the Committee was informed that discussions in that regard were ongoing.

10. The Advisory Committee notes that a memorandum of understanding to supplement the original one of 13 June 2005 is currently under preparation with the Government of Lebanon in order to further clarify such issues as the legal status of the Commission's premises and the privileges and immunities of its staff. **The Committee recommends its prompt completion.**

B. Resource requirements

11. The estimated requirements for the operation of the International Independent Investigation Commission for the period from 16 June to 31 December 2006 amount to $19,175,100 gross ($17,189,000 net). The proposed resources would provide for civilian personnel costs ($13,859,600), including a staffing component of 229 civilian staff (179 international and 50 national positions) and operational costs ($3,329,400). The Advisory Committee notes that the Government of Lebanon provides office premises, the cost of which is valued at $1,752,000 (see also para. 27 below).

12. As shown in table 3 of the budget proposal (A/60/585/Add.4), of the total requirements of $13,570,400 approved for the period from 1 January to 15 June 2006 (including voluntary contributions of $1,272,000), estimated expenditures amount to $10,564,200, resulting in an unencumbered balance of $3,006,200. The Advisory Committee notes that this is due mostly to underexpenditure of $2,516,500 pertaining to civilian personnel costs (see para. 14 below).

1. Civilian personnel

Category	*Authorized 1 January-15 June 2006*	*Proposed 16 June-31 December 2006*
International staff	130	179
National staff	46	50
Total	**176**	**229**

13. The staffing costs of $13,859,600 reflect the net increase of 53 positions proposed for the period from 16 June to 31 December 2006, as illustrated above. This reflects the proposed addition of 49 international positions (23 Professional, 22 Field Service and 4 General Service) and 4 national (Local level) positions. Two reclassifications are also proposed (see paras. 22 and 25 below), as are several redeployments among sections. The requirements for international and local staff are calculated on the basis of a planned deployment of 166 staff in June, 213 by July, 227 by August and 229 from September onward, as well as taking into account a 15 per cent vacancy factor for international and 10 per cent for national staff costs.

14. In this connection, the savings of $2,516,500, projected under civilian personnel costs for the period from 1 January to 15 June 2006 (see para. 12 above) resulted from higher than budgeted vacancy rates for international staff. Moreover, in its third report to the Security Council, the Commission indicated the difficulties encountered in view of the gradual departure of a significant number of key staff, primarily investigators, resulting from uncertainties surrounding the actual length of the Commission's mandate (S/2006/161, para. 104). The Advisory Committee was informed that considerable effort had been made to address the vacancy rate with the anticipation of a renewal of the mandate of the Commission, resulting in a reduction in the vacancy rate from 50 per cent in January to less than 20 per cent in June, with a further estimated decrease to 12 per cent by July 2006 (see also S/2006/375, annex, para. 3).

15. Information provided to the Advisory Committee during its hearings, however, showed that 43 out of the 130 international positions approved for the period from 1 January to 30 June 2006 were still vacant. Of those, 17 positions were under recruitment at the time but no selections had been made as yet with regard to 26 positions. **The Committee expresses its concern regarding the large number of vacant posts as well as their high grade level. The Committee expects efforts to be made to fill the vacancies expeditiously. To this end, the Committee welcomes the establishment and use of rosters of qualified staff with the support of Member States.**

16. The Advisory Committee notes that hazard duty allowance ($1,133,100) is included in the requirements for civilian personnel of the Commission (A/60/585/Add.4, para. 50). Upon enquiry, the Committee was informed that the request had been presented to the Office of Human Resources Management on the basis of the related risk and threat level associated with Commission staff, in view of the investigative work carried out and their possession of sensitive information, which made them more vulnerable in comparison to staff of the Economic and Social Commission for Western Asia (ESCWA), who do not receive the allowance.

17. The Advisory Committee notes that the proposed increase of 49 international staff is the result of the addition of 20 international language service staff (Arabic-English), 10 investigation staff, 15 safety and security staff and 4 positions in administration required to meet the demands originating from an intensified investigation and the additional workload generated by the technical assistance extended in the 14 cases, as well as the need to strengthen security and administration (S/2006/375, para. 121).

(a) Investigations Division

18. The Advisory Committee notes that the Investigations Division performs the core work of the Commission. Besides the Office of the Chief of Investigation, the Division includes a Case Linkage Section, a Case Crime Scene Section and an Operational Support Section, which is proposed to be expanded into two integrated but distinct sections (the Operational Support Section and the Information and Communications Technology Section) (see A/60/585/Add.4, para. 29). The two sections will together provide support to the Hariri case, technical assistance to the Lebanese authorities in the investigation of the 14 other cases, integrated electronic system support, forensics support and witness protection services for the different investigation projects. The Committee also notes, however, that the Commission is currently reviewing the possibility of developing a witness protection programme and that Member States are being approached to explore the extent to which they may be able to offer support (see S/2006/375, para. 110). **It expects to see relevant information included in the next budget.**

19. *Addition of a P-2 position for a Case Manager Officer, Office of the Chief of Investigations.* The incumbent would manage the case-related filing system and provide administrative support in preparing disclosure requirements for the cases in order to ensure compatibility with the standards of existing tribunals. **The Advisory Committee recommends acceptance of this position.**

20. *Addition of two Field Service positions for Language Analyst Assistants, one for the Case Crime Section and another for the Case Linkage Section.* The Advisory Committee notes that the proposed language assistants would be part of multidisciplinary teams in each section, including 14 positions each (see A/60/585/Add.4, para. 28). Each language assistant would provide support in the analysis and screening of documentation, thus ensuring prioritization of documents to be sent for translation and avoiding unnecessary workload and inefficiencies in the Language Services Section. **The Committee recommends acceptance of these two positions.**

21. *Addition of four positions for a Forensics Coordinator (P-4), two Forensic Experts (P-3) and one Language Analyst Assistant (Field Service) (Operational Support Section).* The Advisory Committee notes that the Section is currently staffed with 15 positions (1 P-5, 5 P-4, 6 P-3, 1 P-2, 1 Field Service and 1 Local level) (ibid., para. 30). The additional Forensics Coordinator (P-4) would be responsible for the coordination and analysis of material related to the 14 other cases, whereas an existing Forensics Coordinator would concentrate on the Hariri case. The two additional Forensic Experts (P-3) would assist in the examination, cataloguing and analysis of 19 forensic projects; the Language Assistant would perform the same duties as those described in paragraph 20 above. **The Committee recommends approval of these positions.**

22. *Addition of three positions (1 P-4, 1 P-3 and 1 P-2) and reclassification of a P-4 position to the P-5 level for a Senior Systems Development Officer (Information and Communications Technology Support Section).* The Section is proposed to have responsibility for ensuring the integration of all information into the electronic case management systems, the use of electronic analysis tools, the availability of forensic collection and analysis and the provision of witness protection capabilities. It would be headed by a Senior Systems Development Officer, provided through the reclassification of a P-4 position to the P-5 level, supported by three new positions for a Computer Forensics Officer (P-4), a Database Administrator (P-3) and an Evidence Custodian (P-2), assisted by 11 data management staff (Field Service) provided through redeployment (ibid., paras. 34-36). The Advisory Committee was informed that the proposal to upgrade the level of the Senior Officer position related to the need for the official concerned to have systems management, legal and investigative expertise. **Under the circumstances, the Committee has no objection to the proposed reclassification of the position of the Senior Systems Development Officer to the P-5 level. The Committee recommends acceptance of the three positions proposed (P-4, P-3, and P-2).**

(b) Support services

23. *Addition of 20 positions (1 P-5, 6 P-4, 8 P-3, 1 Field Service, 1 General Service (Principal level) and 3 General Service (Other level)) (Language Services Section).* The Advisory Committee notes that current staffing for the Section provides for nine positions. The proposal to increase this component follows an in-depth review and assessment in which it was determined that a dedicated and enhanced language service section was required to adhere to the standards of other international organizations and judicial institutions; the proposal for positions at the international level seek to minimize the exposure of national staff (see S/2006/375, paras. 115-117). In this connection, the fourth report of the Commission to the Security Council indicates that identifying a significant number of qualified language staff (Arabic-English) is one of its most immediate concerns and that a global roster is being established for possible later use and to avoid a backlog of translation work (ibid., paras. 117 and 131). **The Committee recommends acceptance of this proposal.**

24. *Addition of 15 positions for a Security Information Analyst (P-4) and 14 Security Officers (Security Service) (Security Safety Services Section).* The Advisory Committee notes that the proposal follows a review of the existing security structure and requirements conducted jointly with the Lebanese Armed Forces and Internal Security Forces, the Department of Safety and Security and an independent consultant and takes into account the increase in staff. Of the 14 Security Officer positions, 8 would supplement the existing component of 47 Security Officers (33 Security Service and 14 Local level), while 6 are proposed for close protection of the Commissioner, senior staff and investigators. **The Committee recommends acceptance of the positions proposed.**

(c) Administration

25. *Addition of eight positions (4 Field Service and 4 Local level staff) and reclassification of a P-3 Budget Officer position to the P-4 level (Administrative Support Section).* The authorized staffing level of the Section currently includes 40 positions (16 international and 24 national). The increase of four Field Service

support staff is proposed to strengthen the finance, personnel and communications areas, replacing services previously provided by the United Nations Interim Force in Lebanon (UNIFIL) (see A/60/585/Add.4, para. 48). **The Advisory Committee has repeatedly insisted on the need for cooperation among United Nations entities; it therefore recommends against the approval of the Field Service positions, as it is of the opinion that the Secretary-General should ensure cooperation from UNIFIL and/or ESCWA in this regard (see A/60/7/Add.37, para. 12). The Committee recommends approval of the four national positions proposed for additional drivers and of the proposal to reclassify the Budget Officer position from the P-3 to the P-4 level in view of the proposed responsibilities (see A/60/585/Add.4, para. 47).**

2. Operational costs

26. The proposed requirements for operational costs for the period from 16 June to 31 December 2006 total $3,329,400 (see ibid., paras. 51-63). The Advisory Committee notes that the provision includes an amount of $674,900 for non-recurrent requirements. These are mostly related to the purchase of equipment under information technology ($409,000) for the Investigations Division and under communications ($154,500) in order to replace equipment that can no longer be provided on loan. Moreover, obsolete equipment provided from other agencies or missions as the mandate of the Commission was seen as short-term, now must be replaced.

27. An amount of $1,752,000 is indicated under voluntary contributions in kind, which consists of the value of office premises ($1.3 million) and prefabricated accommodations for staff ($452,000) provided by the Government of Lebanon. The Advisory Committee notes that accommodation of staff within secure premises, for both work and private purposes, is one of the logistical challenges for the Commission. The Government of Lebanon has committed itself to providing 74 prefabricated units to house the additional staff expected to join the Commission by end of July 2006 (S/2006/375, paras. 122 and 123).

III. United Nations Office in Timor-Leste

28. The Advisory Committee recalls that the Security Council, in its resolution 1599 (2005), decided, inter alia, to establish the United Nations Office in Timor-Leste, which would remain there until 20 May 2006, as a follow-on mission to the United Nations Mission of Support in Timor-Leste. The General Assembly, in its resolution 60/255, appropriated an amount of $13,548,800 for the operation of UNOTIL for the period from 1 January to 20 May 2006. Estimated expenditures for the period amount to $13,328,500, resulting in an unencumbered balance of $256,300 (A/60/585/Add.4, table 4).

29. The Advisory Committee notes that the Security Council, expressing its deep concern over the incidents of 28 and 29 April, decided to extend the mandate of UNOTIL until 20 June 2006 (see resolution 1677 (2006)). In its most recent resolution, dated 20 June, the Council decided to extend the mandate of UNOTIL until 20 August 2006 with a view to planning for the role of the United Nations following the expiration of the mandate (resolution 1690 (2006), para. 1). The Committee was further informed that a team would leave Headquarters before the

last week of June in order to conduct a relevant assessment with a view towards proposing further action.

30. Pending a decision by the Security Council in this regard, the Secretary-General is seeking resource requirements for a technical roll-over of the existing mandate of UNOTIL for the period from 21 June to 31 August 2006. Resources in the amount of $5,776,200 gross ($5,253,500 net) are proposed on the basis of proration of overall recurrent resources approved in General Assembly resolution 60/255 for the period from 1 January to 20 June 2006. Given the unencumbered balance indicated in paragraph 28 above, the additional requirements would amount to $5,519,900 gross ($4,997,200 net).

IV. Recommendation

31. **In view of its comments and observations in the present report, the Advisory Committee recommends that the General Assembly approve a budget for the International Independent Investigation Commission in the amount of $18,971,400 gross ($17,020,000 net) for the period from 16 June to 31 December 2006 and $5,776,200 gross ($5,253,500 net) for the United Nations Office in Timor-Leste for the period from 21 June to 31 August 2006. Noting that part of the requirements would be met from the unencumbered balances of $3,006,200 and $256,300 remaining in relation to the amounts already appropriated for the Commission and UNOTIL respectively, totalling $3,262,500, and in line with paragraph 4 above, the Committee recommends that the Assembly appropriate an additional amount of $19,011,000 for the Commission and UNOTIL under section 3, Political affairs, and $2,474,100 under section 35, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007.**